

**FREQUENTLY ASKED QUESTIONS  
MAINE MODEL BUILDING CODE**

**Q. WHEN DID THE *MAINE MODEL BUILDING CODE* TAKE EFFECT?**

**A. THE CODE TOOK EFFECT ON JULY 30, 2004.**

**Q. WHAT CODES ARE INCLUDED IN THE MAINE MODEL BUILDING CODE?**

**A. THE 2003 VERSION OF THE *INTERNATIONAL BUILDING CODE* (IBC) AND THE 2003 VERSION OF THE *INTERNATIONAL RESIDENTIAL CODE* (IRC). OTHER CODES AND STANDARDS REFERENCED IN THE INTERNATIONAL CODES ARE NOT AUTOMATICALLY ADOPTED AS PART OF THE MAINE MODEL BUILDING CODE. ALSO, IF PROVISIONS IN THE MAINE MODEL BUILDING CODE CONFLICT WITH THE PROVISIONS OF THE FOLLOWING STATE LAWS THEY MAY NOT BE ENFORCED: FIRE SAFETY CODES AND STANDARDS, ELECTRICAL STANDARDS, PLUMBING CODE, OIL AND SOLID FUEL BURNING EQUIPMENT STANDARDS, PROPANE AND NATURAL GAS EQUIPMENT STANDARDS, BOILER AND PRESSURE VESSEL STANDARDS, ELEVATOR STANDARDS, AND ENERGY EFFICIENCY STANDARDS**

**Q. IS IT MANDATORY FOR A MUNICIPALITY TO ADOPT A BUILDING CODE?**

**A. NO. HOWEVER, IF A MUNICIPALITY CHOOSES TO ADOPT A CODE IT MUST BE THE IRC AND/OR THE IBC.**

**Q. IS A MUNICIPALITY REQUIRED TO APPOINT A BUILDING INSPECTOR?**

**A. YES, IF THE MUNICIPAL POPULATION IS 2,000 OR MORE. TITLE 25 MRSA, CHAPTER 313 STATES: EXCERPT- In every town and city of more than 2,000 inhabitants, and in every town of 2,000 inhabitants or less, if such a town so votes at a town meeting..., the municipal officers shall annually...appoint an inspector of buildings,... The municipal officers shall define the limits within which the inspector of buildings has jurisdiction, which includes the thickly settled portion of each such city or of each village in each such city or town. Whenever the inspector of buildings becomes incapacitated, the municipal officers may appoint or authorize the inspector of buildings to appoint a deputy inspector of buildings who shall serve until removed by the municipal officers, but in no event beyond the term for which the inspector of buildings was appointed. The deputy inspector shall perform such duties as may be required of the deputy inspector by the inspector. The compensation of the deputy inspector is determined by the municipal officers.**

**Q. WHAT ARE THE DUTIES OF A LOCAL BUILDING INSPECTOR WHO IS APPOINTED IN ACCORDANCE WITH TITLE 25 MRSA, CHAPTER 313?**

**A. EXCERPT FROM TITLE 25 MRSA:** The inspector of buildings shall inspect each new building during the process of construction, so far as may be necessary, to see that all proper safeguards against the catching or spreading of fire are used, that the chimneys and flues are made safe and that proper cutoffs are placed between the timbers in the walls and floorings where fire would be likely to spread, and may give such directions in writing to the owner or contractor, as he deems necessary, concerning the construction of such building so as to render the same safe from the catching and spreading of fire.

Subject to Title 32, chapter 33, the inspector of buildings shall inspect all buildings while in process of being repaired and see that all reasonable safeguards are used against the catching and spreading of fire and that the chimneys and flues are made safe. The inspector may give directions in writing to the owner as necessary concerning such repairs to render the building safe from the catching and spreading of fire.

Subject to the provisions of Title 10, chapter 951, a new building may not be occupied until the inspector of buildings has given a certificate that the same has been built in accordance with section 2353, and so as to be safe from fire. If the owner permits it to be so occupied without such certificate, the owner must be penalized in accordance with Title 30-A, section 4452. In case the inspector of buildings for any cause declines to give that certificate and the builder has in the builder's own judgment complied with section 2353, an appeal may be taken to the municipal officers and, if on such appeal it is decided by them that the section has been complied with, the owner of the building is not liable to a fine for want of the certificate of the inspector.

**Q. IF A BUILDING INSPECTOR IS APPOINTED IN ACCORDANCE TO TITLE 25, CHAPTER 313 IS THE MUNICIPALITY REQUIRED TO ADOPT A BUILDING CODE?**

**A. NO, HOWEVER IT IS HIGHLY RECOMMENDED.**

**Q. WHAT HAPPENS WHEN A LOCALLY ADOPTED BUILDING CODE IS IN EXISTENCE BEFORE THE ADOPTION OF THE STATEWIDE BUILDING CODE?**

**A. IF A MUNICIPALITY ADOPTED A BUILDING CODE PRIOR TO THE ENACTMENT OF TITLE 10, CHAPTER 1101, THEY MAY KEEP THEIR EXISTING CODE.**

**Q. WHAT IF A MUNICIPALITY HAS NOT ADOPTED A BUILDING CODE BUT WOULD LIKE TO ADOPT ONE NOW?**

**A. IF A MUNICIPALITY CHOOSES TO ADOPT A NEW CODE THEY MUST ADOPT THE IBC AND/OR THE IRC.**

**Q. WHAT IF A MUNICIPALITY HAS NOT ADOPTED A BUILDING CODE AND HAS NO INTENTION OF ADOPTING A CODE IN THE FUTURE?**

**A. A MUNICIPALITY IS NOT REQUIRED TO ADOPT A BUILDING CODE. HOWEVER, IF THEY CHOOSE TO DO SO THEY MUST ADOPT THE IRC AND/OR THE IBC.**

**Q. ARE ALL CODES REFERENCED IN THE IBC AND THE IRC ADOPTED AS WELL?**

**A. NO.**

**Q. CAN A MUNICIPALITY ADOPT AMENDMENTS TO THE CODE?**

**A. YES, AS LONG AS THE AMENDMENTS DO NOT RESULT IN THE ADOPTION OF ALL OR A SIGNIFICANT PORTION OF ANY CODE OTHER THAN THE IBC OR THE IRC.**

**Q. DOES THE CODE COVER ALL BUILDINGS?**

**A. IF THE IBC IS ADOPTED, IT COVERS ALL NONRESIDENTIAL CONSTRUCTION. IF THE IRC IS ADOPTED, IT COVERS ALL RESIDENTIAL BUILDINGS (1 & 2 FAMILY).**

**Q. HAS THE STATE OF MAINE INTERNAL PLUMBING CODE CHANGED?**

**A. YES. THE *MAINE STATE INTERNATIONAL PLUMBING CODE* WENT INTO EFFECT ON SEPTEMBER 17, 2005. THIS CODE IS BASED ON THE 2000 UNIFORM PLUMBING CODE.**

**Q. CAN A MUNICIPALITY ADOPT AN EXISTING BUILDING REHABILITATION CODE?**

**A. YES. A REHABILITATION CODE CAN BE ADOPTED WHETHER OR NOT A MUNICIPALITY HAS ADOPTED THE MAINE MODEL CODE AND IT MUST BE THE 2003 *INTERNATIONAL EXISTING BUILDING CODE*.**

**Q. HOW DOES THIS CODE APPLY TO MANUFACTURED HOUSING?**

**A. MANUFACTURED HOMES (HUD HOMES) ARE EXEMPT FROM THE MAINE MODEL BUILDING CODE IN THAT THEY ARE BUILT TO THE NATIONAL MANUFACTURED HOUSING CONSTRUCTION AND SAFETY STANDARDS AND ARE INSPECTED AND CERTIFIED BY A THIRD PARTY. MODULAR HOMES ARE EXEMPT FROM THE MAINE MODEL BUILDING CODE IN THAT THEY ARE BUILT TO BUILDING CODES AS ADOPTED BY THE MAINE MANUFACTURED HOUSING BOARD (CURRENTLY 1993 BOCA, RULEMAKING IN EXECUTIVE REVIEW TO ADOPT THE 2003 IRC) AND ARE INSPECTED AND**

**CERTIFIED FOR COMPLIANCE BY A THIRD PARTY. A LOCAL BUILDING INSPECTOR INSPECTS ALL SITE BUILT FEATURES SUCH AS STAIRS, DECKS, ATTACHED SITE BUILT BREEZEWAY, GARAGES, INTERIOR WALLS IN BASEMENT, AND THE FOUNDATION. A PLUMBING INSPECTOR WOULD ONLY INSPECT PLUMBING THAT IS NOT PART OF THE BUILDINGS ENVELOPE (I.E. BASEMENT LAUNDRY, HOSE BIBS, BASEMENT WATERCLOSET, ETC.)**

**Q. WHO ENFORCES THE BUILDING CODE?**

**A. BUILDING CODES ARE ENFORCED AT THE LOCAL LEVEL BY A MUNICIPAL BUILDING INSPECTOR.**

**Q. ARE THERE OTHER RESOURCES FOR TECHNICAL ASSISTANCE?**

**A. YES, THE *INTERNATIONAL CODE COUNCIL* (ICC) WILL PROVIDE TECHNICAL ASSISTANCE IF YOUR MUNICIPALITY IS A MEMBER OF THEIR ORGANIZATION.**

**Q. HOW DOES A MUNICIPALITY BECOME A MEMBER OF ICC?**

**MORE INFORMATION ON MEMBERSHIP MAY BE FOUND AT  
<http://www.iccsafe.org/membership/join.html>**

**Q. HOW DOES ACCESSIBILITY AND ADA FIT IN?**

**A. THE STATE FIRE MARSHAL'S OFFICE WILL STILL REVIEW PLANS FOR CONSTRUCTION, ALTERATION, AND CHANGE OF USE FOR PUBLIC BUILDINGS. THIS PROCESS INCLUDES A REVIEW FOR FIRE HAZARD REDUCTION AND BARRIER FREE PERMITS. SOME MUNICIPALITIES MAY HAVE ADOPTED ADDITIONAL STANDARDS. THERE IS ALSO AN APPENDIX IN THE CODE THAT ADDRESS ACCESSIBILITY. IF ANY CONFLICTS OCCUR BETWEEN THE CODE AND THE FIRE MARSHAL'S OFFICE STANDARDS, THE FIRE MARSHAL'S OFFICE STANDARDS SHALL PREVAIL.**

**Q. IS THE STATE PLANNING OFFICE GOING TO PROVIDE CODE ENFORCEMENT OFFICER TRAINING IN THE MAINE MODEL BUILDING CODE?**

**TITLE 10 MRSA § 9706 SPECIFICALLY STATES THAT THE STATE PLANNING OFFICE IS NOT RESPONSIBLE FOR PROVIDING TRAINING FOR THE *MAINE MODEL BUILDING CODE*.**